

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-32182

Priority: August 15, 2005

Maximum Diversion Rate: 2.84 CFS

It is hereby certified that CITY OF MIDDLETON
PO BOX 487

MIDDLETON ID 83644 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated August 15, 2005; and has submitted Proof of
Beneficial Use on January 28, 2011. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

2.84 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (NW1/4NW1/4)	Sec. 6,	Twp 04N,	Rge 02W, B.M.	CANYON County
GROUND WATER	NE1/4NW1/4	Sec. 8,	Twp 04N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SW1/4NW1/4	Sec. 17,	Twp 04N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SE1/4NW1/4	Sec. 31,	Twp 05N,	Rge 02W, B.M.	CANYON County
GROUND WATER	L2 (NW1/4NE1/4)	Sec. 5,	Twp 04N,	Rge 02W, B.M.	CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-32182

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

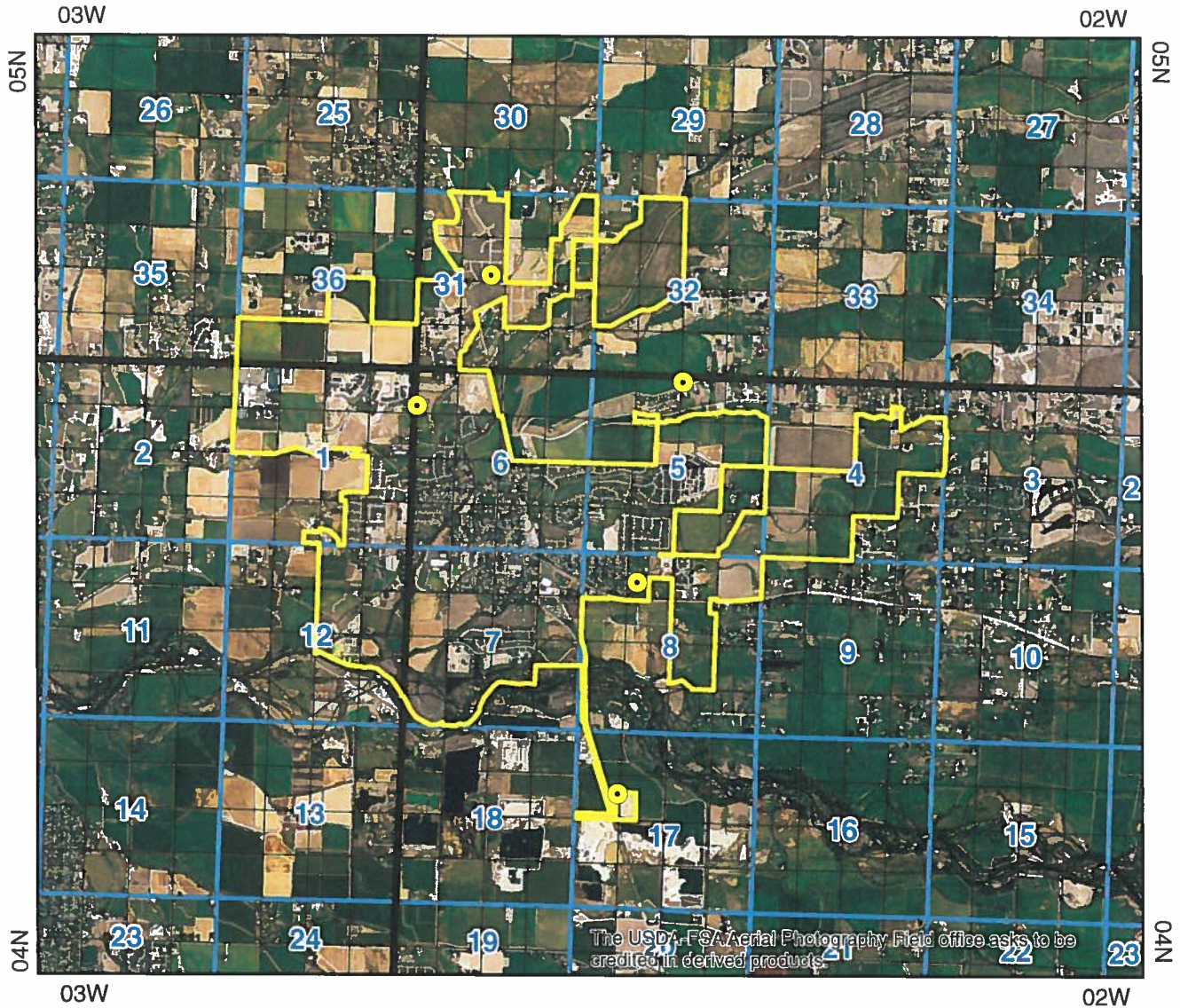
Signed this 18th day of March, 2015.


Shelley W. Keen
for GARY SPACKMAN
Director

Attachment To Water Right License

63-32182

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 19, 2015

CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

RE: License No. 63-32182

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: CIVIL DYNAMICS PC

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32182

**CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644**

**CIVIL DYNAMICS PC
C/O MICHAEL MARTIN
422 S 9TH AVE
CALDWELL ID 83605**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: File 63-32182

FROM: Daniel Nelson – Staff Hydrologist

DATE: March 9, 2015

SUBJECT: Licensing Review for 63-32182

This is the licensing review of the field exam submitted by Sandy Hemenway formerly in our state office. The field exam was done in 2012. The system associated with this permit allowed water to be diverted directly from ground water. The field exam has some issues that need to be addressed to prior to licensing of the permit.

Diversion Rate:

This permit has 5 wells associated with it. According to Ms. Hemenway, the City added a new well (Well #8) and did not increase the pumping capacities of the existing wells. Well #7 apparently has been constructed, but not put on line. This well cannot add any additional diversion rate into the system. The City states that the peak diversion flow rate for the system is 2,606 gpm or 5.81 cfs. When all of the existing licensed rights are combined, they allow a combined diversion rate of 9.44 cfs. Therefore, this permit does not add any new flow rate to the system, but it does add a new well. This permit should be limited the rate of flow of the new well, and conditioned to limit the total flow rate of the system to exceed what has already been licensed.

Ms. Hemenway measured a diversion rate at the time of the field exam of 542 to 761 gpm for a diversion rate of 1.21 cfs to 1.70 cfs, and she averaged out the rate at 1.45 cfs. She also performed a theoretical calculation, but used the static level instead of the pumping level shown on the well drillers report. The adjusted theoretical calculation was 5.21 cfs $([8.8 \times 250 \text{ Hp} \times 0.70] / [152 \text{ feet lift} + \{61 \text{ psi} \times 2.31\}]) = 5.21 \text{ cfs}$.

The City supplied two sets of measurements. The first set was an average daily demand of 117.7 gpm and an actual meter reading of 1275 or 2.84 cfs. Ms. Hemenway recommended the 2.84 cfs diversion rate. With the evidence available, I agree with Ms. Hemenway's assessment and would recommend 2.84 cfs.

Diversion Volume:

This permit is for a municipal use for the City, so no volume will be assigned to this permit. However, the City did supply documentation of the daily measurement reading from this source if needed in the future. In 2001 the maximum diversion volume through well number 8 was 32,013,141 gallons or 98 acre feet of water.

Points of Diversion:

Ms. Hemenway identified the points of diversion for this permit. They all seem to be acceptable and match the existing water rights. According to Ms. Hemenway, Well #7 had not been put on line as of the date of the field exam. Generally we would not allow this well to be included on the water right. However, it was drilled in 2009 and is undergoing some issues with the Department of Environmental Quality (DEQ). We did not include any flow rate from this well, but it does seem to be part of the system. The majority of the City's existing water rights also include this well. With this information, it appears reasonable to carry this point of diversion onto licensing.

The water bearing zone for these wells was 150 feet to 500 feet. The new has screening from 298 to 456 feet, so it is well within the water bearing zone requirement. Well #6 had screening between 142 and 262, but that well has been in place and being used for some time, therefore, I don't think the water bearing zone requirement was meant to apply to the existing wells.

Conditions:

Conditions 046 and 26A were removed at licensing, conditions 01M, 124, and 102 were carried over to licensing. Condition 121 was changed to 103 as is the standard.

During the administrative review of this water right, it was determined that we needed to find out to the best of our ability the maximum instantaneous diversion rate for the entire city system. A combined condition would then need to be added to prevent creating a water right similar to a reasonably anticipated needs right without going through the process.

- The City supplied information that states that the maximum that they divert into their culinary system is 2606 gpm or 5.81 cfs. According to the average hourly demand, this rate seems a bit high, but there is a storage tank associated with this system. Therefore, it does seem reasonable that they would divert more water for a shorter period of time for efficiency reasons. The existing water right already allow a combined diversion rate of 9.44 cfs, so this permit doesn't really add any additional rate of flow or additional beneficial use other than the addition of a new point of diversion.

Therefore, water rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined should be limited to the existing water rights combined flow of 9.44 cfs.

Please see attached spreadsheet for analysis of this right.

File: 63-32182
 Agent: Dan Nelson
 Date: 3/9/2015

CITY OF HOMEDALE MAXIMUM DIVERSION ANALYSIS

MDD	Low MDD Ratio	High MDD Ratio	Low ADD	High ADD	Low PHD Ratio	High PHD Ratio	Low 1 PHD	Low 2 PHD	High 1 PHD	High 2 PHD
672	1.5	3	448.0	224.0	2.25	4.5	1008.0	504.0	2016	1008

Reported Actual Flow (PID) = 2606 / 448.8 = 5.81 cfs

Estimated PID = 504.0 to 2016

Determining the actual peak instantaneous diversion rate for municipal system is difficult at best. The City of Middleton states that the Maximum Daily Diversion(MDD) is 672 gpm and the Peak Instantaneous Diversion (PID) is 2606 gpm. According to general estimations of the ratios between the MDD and the Peak Hourly Diversion (PHD) found on page 13 of the Reasonably Anticipated Needs Administrative Memo, you can calculate the PHD from the MDD by using a set of ratios that convert the MDD to the Average Daily Diversion(ADD) and then back to the PHD. The PHD is the closest diversion rate we can estimate using this method, but it should be reasonably close to the PID. The Reported PID is above the range of the Estimated PID. This system has a 2 million gallon storage tank, so it is reasonable that they would have a higher rate of flow to fill the storage tank quickly for efficiency factors.

Water Right	Water Right Diversion Rate in cfs	Already Licensed Rate
63-3398	1.11	1.11
63-3545 ¹	0.04	
63-8310 ²	0.67	0.67
63-8704 ²	5.00	5.00
63-9128 ²	1.24	1.24
63-22363 ²	1.42	1.42
63-32182	5.00	
63-32388 ³	5.00	
TOTAL	19.48	9.44

The licensed or decreed water rights listing the City of Middleton as part of the culinary system are water rights 63-3398, 63-8310, 63-8704, 63-9128, and 63-22363, which allow a total of 9.44 cfs to be diverted through the City's system. Water right 63-3545 is an irrigation right that doesn't use the culinary system. Permit 63-32182 we are preparing for licensing. In review of the diversion rates, permit 63-32182 doesn't satisfy an additional need of water to the system. It simply supplies another point of diversion. Since this permit doesn't add needed flow rate to the system, it should be limited to a maximum diversion rate of 9.44 cfs when combined with the existing water rights.

This Permit

Permit

¹ 63-3545 is diverted from a slough for irrigation of Middleton Park.

² 63-8310, 63-8704, and 63-9128 are partially subordinate to local wells per transfer.



January 27, 2015

Daniel A. Nelson, Staff Hydrologist
Idaho Department of Water Resources
322 E Front Street
PO Box 83720
Boise, ID 83720

RE: WATER RIGHT PERMIT NO. 63-32182

Mr. Nelson,

We are in receipt of your letter dated December 20, 2014 requesting additional information for maximum diversion rate for the City of Middleton wells.

Please find attached copies of the diversion rate data, as reported and recorded by the City's SCADA system. The operating flow capacity of the wells is summarized below:

1. Well 4 – 1500 gpm
2. Well 5 – 600 gpm
3. Well 6 – 466 gpm (used for irrigation, operated manually)
4. Well 8 – 565 gpm
5. Well 9 – 640 gpm

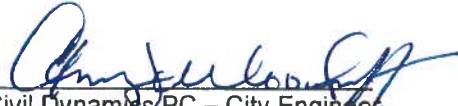
The water system operation is Well 4 is called first. Well 5, Well 8 and Well 9 are called one at a time to supplement Well 4 and Well 5, Well 8 and Well 9 alternate in called sequence.

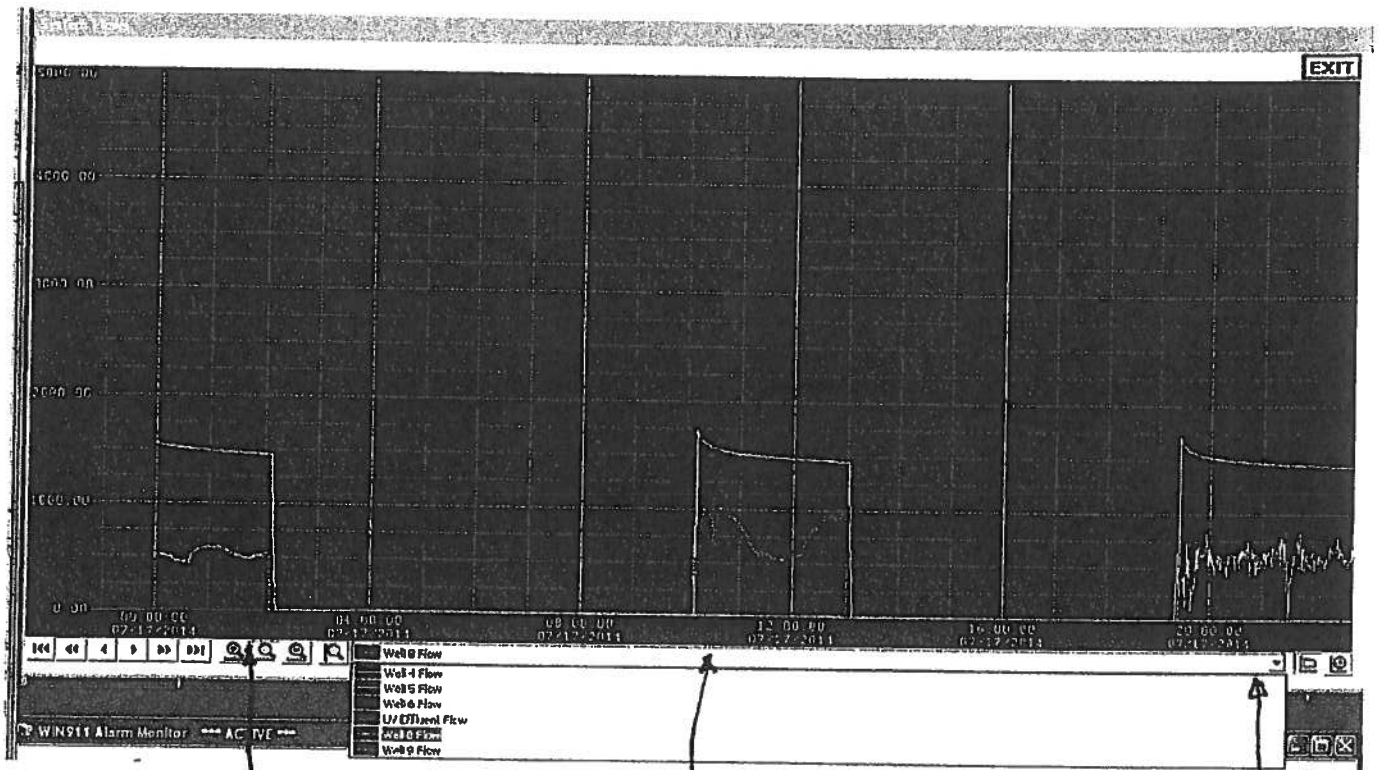
Well 6 is used primarily for irrigation and is operated manually.

On July 17, 2014, the system ran Well 4 and Well 9 and could have run Well 6 for a maximum diversion rate of 2606 gpm.

I hope the above information allows IDWR to complete the review. If additional data or clarification is needed, please contact the City of Middleton, James Askew.

Respectfully submitted,

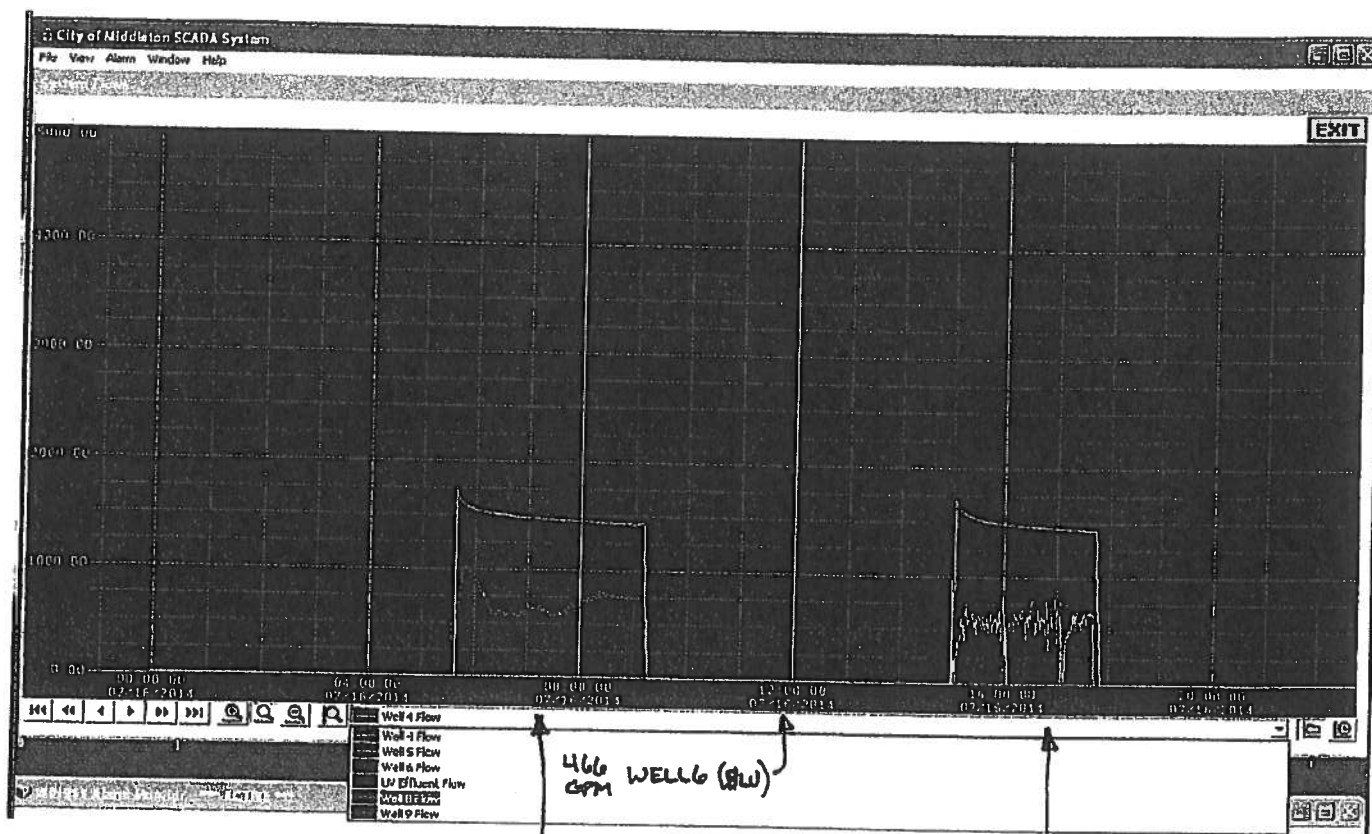

Civil Dynamics PC – City Engineer
Amy Woodruff, PE



(WHT) WELL 4 1500 GPM
(ORG) WELL 8 565 GPM

(WHT) WELL 4 1500 GPM
(MKB) WELL 9 640 GPM

1500 GPM WELL 4 (WHT)
565 GPM WELL 5 (YEL)



1500 GPM WELL 4 (WHT)
540 GPM WELL 9 (MAG)

1500 GPM WELL 4 (WHT)
600 GPM WELL 5 (YEL)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 30, 2014

CITY OF MIDDLETON
ATTN JAMES ASKEW
PO BOX 487
MIDDLETON ID 83644

RE: Water Right Permit No. 63-32182

Dear Mr. Askew:

Sandy Hemenway performed the field examination on this system, and we need a bit more to finish the process of licensing the water right. I spoke with over the telephone to attain information needed to license water right 63-32182.

In that telephone conversation, I asked you to supply the maximum rate that water has been diverted from all of the wells at a single point of time. You told me that water comes from several combinations of wells, and that some of the water is diverted before it gets to the storage tank, which is the main delivery point for the City's water system.

I spoke this over with my supervisor, and we feel it is necessary to at least attain an idea of what the maximum diversion rate has been. We spoke about the possibility of you being able to find out the different combinations of wells from your SCADA system. If you could provide the operating flow capacity and the combination that would supply the most amount of water, that would give us the information that we need. For Example:

Well 1 – capacity = 200 gpm
Well 2 – capacity = 1000 gpm
Well 3 – capacity = 500 gpm
Well 4 – capacity = 750 gpm

On July 10th at 6:00 am the system ran wells 1, 2, and 4 for a maximum diversion rate of 1950 gpm.

I hope the above diagram helps you find a way to get me the maximum diversion rate. This system would work.

Once I receive the above information, I can move forward with the licensing of this water right. I do have to ask that this information be submitted within 30 days. If I do not receive the requested information from you by January 30, 2015, I will be forced to take action to void your permits under the provision of Section 42-219(8) of the Idaho Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long, sweeping horizontal line extending to the right.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov